

“(c) RESTITUTION.—An order of restitution under section 3663 or 3663A of this title with respect to a violation of this section may also include restitution—

“(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense;

“(2) for the loss of food production or farm income reasonably attributable to the offense; and

“(3) for any other economic damage, including any losses or costs caused by economic disruption, resulting from the offense.

“(d) DEFINITIONS.—As used in this section—

“(1) the term ‘animal enterprise’ means—

“(A) a commercial or academic enterprise that uses or sells animals or animal products for profit, food or fiber production, agriculture, education, research, or testing;

“(B) a zoo, aquarium, animal shelter, pet store, breeder, furrier, circus, or rodeo, or other lawful competitive animal event; or

“(C) any fair or similar event intended to advance agricultural arts and sciences;

“(2) the term ‘course of conduct’ means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose;

“(3) the term ‘economic damage’—

“(A) means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, the loss of profits, or increased costs, including losses and increased costs resulting from threats, acts or vandalism, property damage, trespass, harassment, or intimidation taken against a person or entity on account of that person’s or entity’s connection to, relationship with, or transactions with the animal enterprise; but

“(B) does not include any lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise;

“(4) the term ‘serious bodily injury’ means—

“(A) injury posing a substantial risk of death;

“(B) extreme physical pain;

“(C) protracted and obvious disfigurement; or

“(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

“(5) the term ‘substantial bodily injury’ means—

“(A) deep cuts and serious burns or abrasions;

“(B) short-term or nonobvious disfigurement;

“(C) fractured or dislocated bones, or torn members of the body;

“(D) significant physical pain;

“(E) illness;

“(F) short-term loss or impairment of the function of a bodily member, organ, or mental faculty; or

“(G) any other significant injury to the body.

“(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

“(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, regardless of the point of view expressed, or to limit any existing legal remedies for such interference; or

“(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this action, or to preempt State or local laws that may provide such penalties or remedies.”.

(b) CLERICAL AMENDMENT.—The item relating to section 43 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

“43. Force, violence, and threats involving animal enterprises.”.

#### AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. FRIST. I ask unanimous consent the Finance Committee be discharged from further consideration of S. 3523 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3523) to amend the Internal Revenue Code of 1986 to provide that the Tax Court may review claims for equitable innocent spouse relief and to suspend the running on the period of limitations while such claims are pending.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3523) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3523

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TAX COURT REVIEW OF REQUESTS FOR EQUITABLE INNOCENT SPOUSE RELIEF.

(a) IN GENERAL.—Paragraph (1) of section 6015(e) of the Internal Revenue Code of 1986 (relating to petition for tax court review) is amended by inserting “or in the case of an individual who requests equitable relief under subsection (f)” after “who elects to have subsection (b) or (c) apply”.

(b) CONFORMING AMENDMENTS.—

(1) Section 6015(e)(1)(A)(i)(II) of the Internal Revenue Code of 1986 is amended by inserting “or request is made” after “election is filed”.

(2) Section 6015(e)(1)(B)(i) of such Code is amended—

(A) by inserting “or requesting equitable relief under subsection (f)” after “making an election under subsection (b) or (c)”, and

(B) by inserting “or request” after “to which such election”.

(3) Section 6015(e)(1)(B)(ii) of such Code is amended by inserting “or to which the request under subsection (f) relates” after “to which the election under subsection (b) or (c) relates”.

(4) Section 6015(e)(4) of such Code is amended by inserting “or the request for equitable relief under subsection (f)” after “the election under subsection (b) or (c)”.

(5) Section 6015(e)(5) of such Code is amended by inserting “or who requests equitable relief under subsection (f)” after “who elects the application of subsection (b) or (c)”.

(6) Section 6015(g)(2) of such Code is amended by inserting “or of any request for equitable relief under subsection (f)” after “any election under subsection (b) or (c)”.

(7) Section 6015(h)(2) of such Code is amended by inserting “or a request for equi-

table relief made under subsection (f)” after “with respect to an election made under subsection (b) or (c)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests for equitable relief under section 6015(f) of the Internal Revenue Code of 1986 with respect to liability for taxes which are unpaid after the date of the enactment of this Act.

#### SAFE DRINKING WATER ACT AMENDMENTS

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 255, S. 1409.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1409) to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska.

There being no objection, the Senate proceeded to consider the bill (S. 1409) to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1409

#### SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) by redesignating subsection (e) as subsection (h);

(2) by inserting after subsection (d) the following:

“(e) REQUIREMENTS.—As a condition of receiving a grant under this section, the State of Alaska shall—

“(1) require each applicant to clearly identify the scope and the goal of the project for which funding is sought and how the funds will be used to meet the specific, stated goal of the project;

“(2) establish long-term goals for the program, including providing water and sewer systems to Alaska Native villages; and

“(3) carry out regular reviews of grantees to determine if the stated scope and goals of each grant are being met.

“(f) REPORTING.—The State of Alaska shall submit to the Administrator of the Environmental Protection Agency a report describing the information obtained under subsection (e), including—

“(1) the specific goals of each project;

“(2) how funds were used to meet the goal; and

“(3) whether the goals were met.

“(g) RECOMMENDATION.—The Administrator of the Environmental Protection Agency shall recommend to the State of Alaska means by which the State of Alaska can address any deficiencies identified in the report under subsection (f).”; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) by striking “\$40,000,000” and inserting “\$45,000,000”; and

(B) by striking “2005” and inserting “2010”.

Mr. FRIST. I ask unanimous consent that the amendment at the desk be

agreed to, the committee-reported amendment as amended be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5116) was agreed to, as follows:

On page 3, strike line 7 and insert the following:

“(f) REPORTING.—Not later than December 31, 2007 (with respect to fiscal year 2007), and annually thereafter (with respect to each subsequent fiscal year), the State of Alaska shall submit to

On page 3, strike line 14 and insert the following:

“(g) REVIEW.—

“(1) IN GENERAL.—The Administrator of the On page 3, lines 15 through 17, strike “recommend to the State of Alaska means by which the State of Alaska can address” and insert “require the State of Alaska to correct”.

On page 3, strike line 18 and insert the following: section (f).

“(2) FAILURE TO CORRECT OR REACH AGREEMENT.—

“(A) IN GENERAL.—If a deficiency in a project included in a report under subsection (f) is not corrected within a period of time agreed to by the Administrator and the State of Alaska, the Administrator shall not permit additional expenditures for that project.

“(B) TIME AGREEMENT.—

“(i) IN GENERAL.—Not later than 180 days after the date of submission to the Administrator of a report under subsection (f), the Administrator and the State of Alaska shall reach an agreement on a period of time referred to in subparagraph (A).

“(ii) FAILURE TO REACH AGREEMENT.—If the State of Alaska and the Administrator fail to reach an agreement on the period of time to correct a deficiency in a project included in a report under subsection (f) by the deadline specified in clause (i), the Administrator shall not permit additional expenditures for that project.”; and

On page 3, line 24, strike “2010” and insert “2009”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1409), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1409

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. GRANTS TO ALASKA TO IMPROVE SANITATION IN RURAL AND NATIVE VILLAGES.

Section 303 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1263a) is amended—

(1) by redesignating subsection (e) as subsection (h);

(2) by inserting after subsection (d) the following:

“(e) REQUIREMENTS.—As a condition of receiving a grant under this section, the State of Alaska shall—

“(1) require each applicant to clearly identify the scope and the goal of the project for which funding is sought and how the funds will be used to meet the specific, stated goal of the project;

“(2) establish long-term goals for the program, including providing water and sewer systems to Alaska Native villages; and

“(3) carry out regular reviews of grantees to determine if the stated scope and goals of each grant are being met.

“(f) REPORTING.—The State of Alaska shall submit to the Administrator of the Environmental Protection Agency a report describing the information obtained under subsection (e), including—

“(1) the specific goals of each project;

“(2) how funds were used to meet the goal; and

“(3) whether the goals were met.

“(g) RECOMMENDATION.—The Administrator of the Environmental Protection Agency shall recommend to the State of Alaska means by which the State of Alaska can address any deficiencies identified in the report under subsection (f).”; and

(3) in subsection (h) (as redesignated by paragraph (1))—

(A) by striking “\$40,000,000” and inserting “\$45,000,000”; and

(B) by striking “2005” and inserting “2010”.

## EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2006

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 639, S. 3938.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3938) to reauthorize the Export-Import Bank of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5117) was agreed to, as follows:

(Purpose: To eliminate the requirement that the Bank seek comments from the International Trade Commission)

On page 14, lines 8 and 9, strike “the International Trade Commission.”.

The bill (S. 3938), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3938

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Export-Import Bank Reauthorization Act of 2006”.

## SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking “2006” and inserting “2011”.

## SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended by striking “2006” and inserting “2011”.

## SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103-428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking “2001” and inserting “2011”.

## SEC. 5. DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.

Section 2(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(e)) is amended by adding at the end the following new paragraph:

“(5) DESIGNATION OF SENSITIVE COMMERCIAL SECTORS AND PRODUCTS.—Not later than 120 days after the date of the enactment of this Act, the Export-Import Bank of the United States shall submit a list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, which designates sensitive commercial sectors and products with respect to which the provision of financing support by the Bank is deemed unlikely by the President of the Bank due to the significant potential for a determination that such financing support would result in an adverse economic impact on the United States. The President of the Bank shall review on an annual basis thereafter the list of sensitive commercial sectors and products and the Bank shall submit an updated list to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such sectors and products.”.

## SEC. 6. INCREASING EXPORTS BY SMALL BUSINESS.

(a) IN GENERAL.—Section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) is amended by adding at the end the following:

“(f) SMALL BUSINESS DIVISION.—

“(1) ESTABLISHMENT.—There is established a Small Business Division (in this subsection referred to as the “Division”) within the Bank in order to—

“(A) carry out the provisions of subparagraphs (E) and (I) of section 2(b)(1) relating to outreach, feedback, product improvement, and transaction advocacy for small business concerns;

“(B) advise and seek feedback from small business concerns on the opportunities and benefits for small business concerns in the financing products offered by the Bank, with particular emphasis on conducting outreach, enhancing the tailoring of products to small business needs and increasing loans to small business concerns;

“(C) maintain liaison with the Small Business Administration and other departments and agencies in matters affecting small business concerns; and

“(D) provide oversight of the development, implementation, and operation of technology improvements to strengthen small business outreach, including the technology improvement required by section 2(b)(1)(E)(x).

“(2) MANAGEMENT.—The President of the Bank shall appoint an officer, who shall rank not lower than senior vice president and whose sole executive function shall be to manage the Division. The officer shall—

“(A) have substantial recent experience in financing exports by small business concerns; and

“(B) advise the Board, particularly the director appointed under section 3(c)(8)(B) to represent the interests of small business, on matters of interest to, and concern for, small business.

“(3) STAFF.—

“(A) DEDICATED PERSONNEL.—The President of the Bank shall ensure that each operating division within the Bank has staff that